

AMENDED IN ASSEMBLY JUNE 19, 2003

AMENDED IN ASSEMBLY MAY 20, 2003

AMENDED IN SENATE MARCH 25, 2003

SENATE BILL

No. 220

Introduced by Senator Romero

(Coauthor: Senator Soto)

(Coauthors: Assembly Members Maze and Nakano)

February 13, 2003

An act to add Section 17.1 to the Corporations Code, relating to business organizations.

LEGISLATIVE COUNSEL'S DIGEST

SB 220, as amended, Romero. Business organizations.

Existing law in the Corporations Code sets forth various provisions regulating, among other things, corporations, partnerships, limited liability companies, and unincorporated associations. Existing law defines various terms for the purposes of those provisions, including the term "signature."

This bill would provide that the term "signature" includes a signature in a facsimile document presented to the Secretary of State or the Department of Corporations. The bill would *require the Secretary of State and the Department of Corporations to accept facsimile signatures on documents delivered by hand or mail and would authorize the Secretary of State and the Department of Corporations to adopt procedures permitting the direct electronic or facsimile filing of documents.*

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 17.1 is added to the Corporations Code, to read:

17.1. (a) In addition to the definition set forth in Section 17, the term “signature” includes a signature in a facsimile document filed pursuant to this code or pursuant to regulations adopted under this code, and presented to the Secretary of State or the Department of Corporations.

(b) The terms “signed” and ~~“executed”~~, “*executed*,” when used with respect to the documents filed pursuant to this code or pursuant to regulations adopted under this code, and presented to the Secretary of State or the Department of Corporations, include a document bearing a signature under subdivision (a).

~~(c) The Secretary of State and the Department of Corporations may adopt procedures permitting the direct electronic or facsimile presentation of the documents specified in subdivisions (a) and (b). However, neither the Secretary of State nor the Department of Corporations is required to accept those direct facsimile or electronic filings until procedures are adopted.~~

~~(d) Documents transmitted by facsimile to third parties shall be delivered to the Secretary of State and the Department of Corporations by mail, courier, or in person shall accept facsimile signatures on documents that are delivered by mail or by hand.~~

~~(e)~~
(d) A person on whose behalf a ~~facsimile document~~ document bearing a facsimile signature is submitted for filing to the Secretary of State or the Department of Corporations shall maintain the originally signed document for at least five years from the date of filing.

(e) The Secretary of State and the Department of Corporations may adopt procedures permitting the direct electronic or facsimile presentation of the documents specified in subdivisions (a) and (b). However, neither the Secretary of State nor the Department of Corporations is required to accept those direct electronic or facsimile filings until procedures are adopted.